



FLORIDA DEPARTMENT OF MANAGEMENT SERVICES

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4030 Esplanade Way  
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Rick Scott, Governor

Erin Rock, Agency Secretary

April 17<sup>th</sup>, 2018

Lyell Walker

**State E-Rate Coordinator- Florida**

Florida Department of Management Services [BEN 17001621]

4030 Espalade Way Suite 160 D

Tallahassee, FL 32399

RE: Waiver Request- Invoice Filing Deadline  
471 Number: 161036510  
FRNs: 1699077347; 1699077346  
Invoice Numbers: 2571480; 2571475

#### REQUEST

Florida Department of Management Services (DMS) respectfully requests a waiver of the FCC's invoicing filing deadline and invoice deadline extension rules<sup>1</sup> for FRNs: 1699077347 and 1699077346. Per the BEAR Notification Letter for Invoices 2571480 and 2571475, these invoices were denied due to "Invoice Received Date [02/15/2018] Later Than Last Date To Invoice".

#### BACKGROUND

During Funding Year 2016-17, DMS experienced considerable issues related to both the pre-commitment review and post-commitment change requests processes due to the USAC technological system. These complications, that were beyond DMS' control, led to confusion on when an invoice should be submitted and if a post commitment change would adjust the last date to invoice without the need to submit a one-time extension request.

On June 6<sup>th</sup>, 2016, prior to the issuance of a Funding Commitment Decision Letter (FCDL), DMS filed a Receipt Acknowledgement Letter (RAL) change request<sup>2</sup> to correct a ministerial and clerical error where an incorrect SPIN was associated with FRN's 1699077347 and 1699077346. For reasons unknown to DMS, the RAL request was not processed by the Program Integrity Assurance (PIA) team and this lack of processing resulted in a 20-month review process and subsequent invoice denial.

<sup>1</sup> CFR 54.514 Payment for discounted services. (a) Invoice filing deadline. Invoices must be submitted to the Administrator: (1) 120 days after the last day to receive service, or (2) 120 days after the date of the FCC Form 486 Notification Letter, whichever is later.

(b) Invoice deadline extension. In advance of the deadline calculated pursuant to paragraph (a) of this section, service providers or billed entities may request a one-time extension of the invoicing deadline. The Administrator shall grant a 120 day extension of the invoice filing deadline, if it is timely requested.

<sup>2</sup> RAL Request ID: 3392



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Failure to process the RAL request by the PIA review team meant that, to correct the ministerial and clerical error, DMS would be required to submit another request in the form of a “Corrective SPIN Change”<sup>3</sup>. DMS timely filed a Corrective SPIN Change on April 20<sup>th</sup>, 2017.

Between April 2017 and January 2018, DMS submitted several customer service cases<sup>4</sup> requesting updates on the SPIN change, including a case to ask for more information on an appeal submitted by USAC on DMS’s behalf. DMS had not been notified regarding the appeal.

Desiring to follow USAC invoicing procedures, which requires that any post commitment request must be submitted prior to invoicing USAC<sup>5</sup>, DMS did not file for reimbursement using the incorrect SPIN.

In February 2018, nearly ten months after filing the SPIN Change, the request and appeal were still under review and this uncertainty left DMS unsure if USAC would deny any eventual BEAR invoice due to an “untimely filed invoice”. To avoid further delays or denials, which would require more appeals and post commitment requests, DMS filed BEAR invoices 2571480 and 2571475. Finally, on February 22<sup>nd</sup> USAC issued a Revised Funding Commitment Decision Letter (RFCDL) which reflected the correct SPIN for FRN’s 1699077347 and 1699077346, but the RFCDL did not adjust the last date to invoice. On March 7<sup>th</sup> DMS received a zero-funded BEAR notification letter for both invoices.

In an order adopted February 25<sup>th</sup>, 2018, the Commission acknowledged<sup>6</sup> the issues in FY2016 by stating, “We direct USAC to allow Affected Program Participants to submit invoices for their funding year 2016 recurring service charges on or before 120 days from the date of their post commitment RFCDL. We take this action in response to the *extraordinary circumstances created by technological system* issues that delayed USAC’s issuance of post-commitment RFCDLs for funding year 2016”. While DMS does not meet the limited definition of *Affected Program Participants*<sup>7</sup>, DMS’ position is that the same extraordinary circumstances created by the technological systems apply to this situation as well. Not only were DMS post commitment change requests delayed, had the original RAL request been processed prior to the issuance of the FCDL, DMS would have avoided the 20-month delay, there would have been no need for the SPIN Change, appeal or this waiver request, and DMS would have been able to meet the original last date to invoice deadline<sup>8</sup>.

<sup>3</sup> <https://www.usac.org/sl/applicants/before-youre-done/spin-changes/default.aspx>

<sup>4</sup> CSB case #211257; 210366; 193339. Appeal 37059;

<sup>5</sup> Corrective SPIN change requests must be submitted no earlier than the date of your Receipt Acknowledgment Letter (RAL) unless you have been contacted by USAC for clarification about this application, and submitted no later than the last date to submit an invoice. <https://www.usac.org/sl/applicants/before-youre-done/spin-changes/default.aspx>

<sup>6</sup> DA 18-188, Para 2

<sup>7</sup> DA 18-188 para 1

<sup>8</sup> DMS filed all invoices for their other FRN’s prior to the first last date to invoice deadline.



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It seems unreasonable to ultimately hold the applicant accountable when technological systems and administrative procedures create such confusion for the applicant.

DMS believes that this waiver request should be granted due to the numerous issues that arose during the application and post commitment form review processes that impacted not just DMS but many other applicants as well.

DMS urges the Commission to approve this waiver request which would allow DMS to resubmit invoices for FRN's 1699077347 and 1699077346.

Respectfully,

Lyell Walker  
State E-rate Coordinator